UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

In re:	Bankruptcy Case No. 13-53846
City of Detroit, Michigan,	Judge Thomas J. Tucker
Debtor.	Chapter 9

AMENDED DESIGNATION OF ALLOWED CLAIM

On or about February 13, 2014, Nemeth Law, P.C., f/k/a Nemeth Burwell P.C. ("Nemeth") filed claim number 938 ("Claim") as a general unsecured claim in the amount of \$45,499.78. On or about July 9, 2014, Nemeth filed a ballot in favor of the City's Plan, seeking to have its claim treated as a class 15 convenience class claim. ("Ballot", Exhibit 1.)

On November 12, 2018, the City of Detroit ("<u>City</u>") filed a *Designation of Allowed Claims*, allowing the Nemeth claim.² ("<u>Designation</u>," Doc. No. 12941.) The Designation did not take into account Nemeth's Ballot election, however.

To correct this, and in accordance with Plan Article I, Section A.19 and Article III, Section E, the City designates Nemeth's Claim as an allowed

¹ Eighth Amended Plan for the Adjustment of Debts of the City of Detroit ("Plan," as filed at Doc. No. 8045 and as confirmed with slight modifications by order entered at Doc. No. 8272). Undefined terms have the meaning ascribed to them in the Plan.

² The Designation allowed one other claim as well, which is not at issue here.

Convenience class Claim in the amount \$25,000 to be treated under the Plan as a Class 15 Convenience Claim.

Dated: March 5, 2020

Respectfully submitted,

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
Ronald A. Spinner (P73198)
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.
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Detroit, Michigan 48226
Telephone: (313) 963-6420

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EXHIBIT 1

BALLOT

PLEASE READ THE VOTING INFORMATION AND INSTRUCTIONS ATTACHED BEFORE COMPLETING THIS BALLOT.

PLEASE COMPLETE ITEMS 1, 2, AND 3 BELOW. IF NEITHER THE "ACCEPT" NOR "REJECT" BOX IS CHECKED IN ITEM 1, OR IF BOTH BOXES ARE CHECKED IN ITEM 1, THIS BALLOT WILL NOT BE COUNTED AS HAVING BEEN CAST.

IF BOTH BOXES ARE, OR NEITHER BOX IS, CHECKED IN ITEM 2, THIS BALLOT WILL COUNT AS ONE

the City of Detre	oit, Michigan, votes to (check <u>one</u> box):	ed Claim Holder in Class 14 as of April 14, 2014 against
	ACCEPT the Plan.	☐ REJECT the Plan.
expungement not limited t	t, injunction and release provisions cont o, the provisions contained in Article III	rove certain cancellation, discharge, exculpation, tained in the Plan. Such provisions include, but are LD, Article IV.J, Article IV.K and Article V.C of the terests regarding certain nondebtor parties.
Creditor Name:	Nemeth Law, P.C., f/k/a Nemeth Burwell. P.C.	Amount of Claim: \$ 45,000
Item 2. Conver 14, 2014 against	the City of Detroit, Michigan, elects to (city of Treat the undersigned's Other Unsecured Claim as a Class 15 Convenience Claim under the Plan.	☐ Not Treat the undersigned's Other Unsecured Claim as a Class 15 Convenience Claim
		and the little of the lander the Plan.
accept or rej will not coun Convenience Election will	ect the Plan in this Ballot will count as a t for Class 14 tabulation purposes. Claim elections are subject to the terms be deemed irrevocable and legally bind	under the Plan. Claim as a Class 15 Convenience Claim, your vote to vote for Class 15 tabulation purposes and your vote s contained in the Plan. This Convenience Claiming on you upon (i) execution of this election on the
accept or rej will not coun Convenience Election will	ect the Plan in this Ballot will count as a t for Class 14 tabulation purposes. Claim elections are subject to the terms be deemed irrevocable and legally bind	Claim as a Class 15 Convenience Claim, your vote to vote for Class 15 tabulation purposes and your vote

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13-53846-tjt Doc 13248 Entered 03/05/20 15:34s14stos28 agree/s20f 6 Filed 03/05/20

Item 3. Certifications. By signing this Ballot, the undersigned certifies that he, she or it:

- is the Holder of one or more Other Unsecured Claims in Class 14 to which this Ballot pertains, or is an authorized signatory, and has full power and authority to vote to accept or reject the Plan and make the elections applicable to such Claims;
- ii. received a copy of the solicitation package consisting of: (a) a notice regarding the time and place of a hearing to consider confirmation of the Plan, (b) a CD-ROM including the Plan, Disclosure Statement and the exhibits thereto, (c) a Ballot and a ballot return envelope, (d) a copy of certain rules governing the tabulation of ballots, (e) a copy of the Notice of Voting Dispute Resolution Procedures approved by the Solicitation Procedures Order and (f) a cover letter;
- has not submitted any other Ballots for Class 14 that are inconsistent with the vote to accept or reject the Plan set forth in this Ballot, or if such other ballots were previously submitted, they have been revoked or changed to reflect the vote of this Ballot; and
- iv. understands that a vote to accept the Plan is a vote to accept certain cancellation, discharge, exculpation, expungement, injunction and release provisions contained in the Plan.

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In re:

City of Detroit, Michigan,

Debtor.

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Chapter 9

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 5, 2020, he filed the foregoing *Amended Designation of Allowed Claim* and its exhibit with the Court, using the Court's CM/ECF system which will provide notice of the filing to all registered participants in this matter. The undersigned also certifies that on March 5, 2020, a copy of the *Amended Designation of Allowed Claim* and its exhibit was served by U.S. mail upon

Nemeth Law, P.C.

Attn: Deborah Brouwer

200 Talon Centre Drive, Suite 200

Detroit, MI 48207

By: /s/ Marc N. Swanson

Marc N. Swanson (P71149)

Ronald A. Spinner (P73198)

150 West Jefferson, Suite 2500

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Telephone: (313) 963-6420

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swansonm@millercanfield.com spinner@millercanfield.com

Dated: March 5, 2020